

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 93-02  
(March 16, 1993)

**State Judges Serving as Visiting Judges on  
Indian Tribal Courts**

**Issue**

May state court judges serve without compensation as visiting trial judges or appellate judges on Indian tribal courts?

**Answer:** Yes.

**Discussion**

Service as a visiting tribal judge at the request of that tribe fulfills a need and promotes cooperation between state and tribal courts. There are various reasons why a tribal court might wish to have the service of a visiting judge, including the assurance and appearance of impartiality in cases that have impact on the tribe as a whole or involve tribal politics. State courts utilize visiting judges for similar reasons. Although Arizona's Native American tribes retain sovereignty over their affairs and courts, many times a tribal judge or visiting tribal judge applies primarily state law.

Canon 5G provides that, "A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice."

Service as a visiting tribal judge does not conflict with this provision. Nor do other Canons which prescribe how a judge should uphold the independence and standards of his office, and which proscribe conduct which detracts from impartial service or involves conflicts of interests.

**Applicable Code Sections**

Arizona Code of Judicial Conduct, Canon 5G (1985).